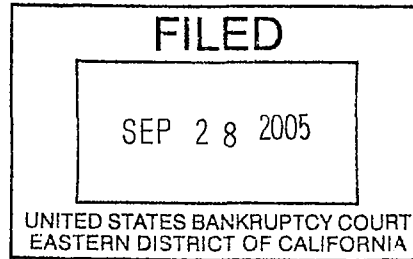


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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re)	Case No. 05-23453-C-7
)	
SCOTT PEARCE and)	DC No. RAR-01
LYNETTE PEARCE,)	
)	
Debtors.)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION TO AVOID LIEN**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(K).

Findings of Fact

On August 15, 2005, debtors filed a motion requesting that this court avoid judgment lien in favor of Winco, Sears Roebuck & Co., Placer Creditors Bureau, and First North American National Bank.

A hearing was scheduled for September 27, 2005 to consider the motion. Upon review of the record, the court determined that the written record was adequate and that no oral argument was necessary.

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1 In reviewing debtors' proof of service, the court notes that
2 debtors served the corporations c/o the attorneys who recorded
3 the abstract.

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5 Conclusions of Law

6 Federal Rule of Bankruptcy Procedure 9014(b) requires that a
7 motion initiating a contested matter "shall be served in the
8 manner provided for service of a summons and complaint by Rule
9 7004." Fed. R. Bankr. P. 9014(b).

10 Federal Rule of Bankruptcy Procedure 7004(b)(3) provides in
11 pertinent part:

12 Except as provided in
13 subdivision(h), in addition-to the
14 methods of service authorized by
15 Rule 4(e)-(j) F.R.Civ.P., service
16 may be made within the United
17 States by first class postage
18 prepaid as follows... Upon a
19 domestic or foreign corporation or
20 upon a partnership or other
21 unincorporated association, by
22 mailing a copy of the summons and
23 complaint to the attention of an
24 officer, a managing or general
25 agent, or to any other agent
26 authorized by appointment or by law
27 to receive service of process and,
28 if the agent is one authorized by
statute to receive service and the
statute so requires, by also
mailing a copy of the defendant.

Fed. R. Bank. P. 7004(b)(3).

Here, debtors' service of motion does not comply with the
requirement to serve the motion to the attention of an officer or
other agent authorized as provided in Rule 7004(b)(3).

Beneficial California, Inc. v. Villar (In re Villar), 317 B.R.
88, 93 (9th Cir. BAP 2004). The court notes that a corporation's

1 agent for service of process may be identified by visiting the
2 California Secretary of State's website at www.ss.ca.gov. The
3 website contains a link to the "California Business Portal" which
4 provides an online service titled "California Business Search."
5 Therein, corporate information, including the agent for service
6 of process, may be obtained by entering the corporation's name in
7 the search engine.

8 Accordingly, the motion is denied.

9 An appropriate order will issue.

10 Dated: September 28, 2005

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14 UNITED STATES BANKRUPTCY JUDGE
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